



THE PROPOSED UPGRADE OF ROAD P 254/1, SITUATED WITHIN VULAMEHLO AND UMZUMBE LOCAL MUNICIPALITIES, UGU DISTRICT MUNICIPALITY, KWAZULU-NATAL

EDTEA File Reference Number: DC21/0040/2014: KZN/EIA/0001790/2014

PUBLIC PARTICIPATION REPORT

Prepared by:
Afzelia Environmental Consultants (Pty) Ltd

1. INTRODUCTION

The purpose of this public participation report is:

- To outline the PPP that was undertaken;
- To ensure that all comments and concerns raised are considered in the Basic Assessment process and are addressed in the report.

The Environmental Impact Assessment Regulations of 2010, requires that during a Basic Assessment (BA) process, the organs of State together with interested persons and the general public be informed of the application and be afforded an opportunity to comment on the application.

Public Participation Process is any process that involves the public in problem solving and decision-making and it forms an integral part of the BA process. The process provides people who may be interested in or affected by the proposed development, with an opportunity to provide comments and to raise issues or concern, or to make suggestions that may result in improved benefits for the project.

The EIA Regulations (2010) promulgated in terms of the National Environmental Management Act (NEMA) under Government Notice No. 543 section 54 (2) stipulates the manner in which public participation process should be conducted. The requirements include the following:

1. Fixing a notice board at a place conspicuous to the public at the boundary or on the fence of
 - (i) The site where the activity to which the application relates is or is to be undertaken;
2. giving written notice to—
 - (i) the occupiers of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;
 - (ii) the owners, or persons in control of, and occupiers of that land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;

- (iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of rate payers that represent the community in the area;
 - (iv) the municipality which has jurisdiction in the area;
 - (v) any organ of state having jurisdiction in respect of any aspect of the activity; and
 - (vi) any other party as required by the competent authority;
3. placing an advertisement in—
- (i) at least one local newspaper and one regional newspaper

2. INITIAL PUBLIC PARTICIPATION PROCESS

The initial public participation process was to ensure that I&APs were notified of the proposed project and given a reasonable opportunity to register on the project database and provide any initial comments. Steps undertaken during this phase are summarised in the final Basic Assessment Report on pages 29 to 33.

3. METHODOLOGY

a) IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES

Interested and Affected Parties (I&APs) identified include: Organs of State including Municipalities, Landowners and Residents within a 150m distance of the project site and other parties.

b) INTERESTED AND AFFECTED PARTIES DATABASE

In accordance with the requirements of the NEMA EIA Regulations under Section (24)5 of NEMA (Regulation 42 of GNR 982), a Register of I&APs must be kept by the public participation practitioner. In fulfilment of this requirement such a register has been compiled and is constantly updated with the details of involved I&APs throughout the process including their comments. The database is attached as **Appendix E2** of the basic assessment report.

c) ERECTION SITE NOTICES

About 20 site notices were placed in different locations along the P254/1 road from the start to the end. Some of the site notices were placed in the following strategic positions:

- KwaDumisa taxi rank
- KwaDumisa Skills Development Centre
- KwaMgenge store adjacent to R612 main road
- Intersection of P254-1 and R612, the start of P254-1
- Access roads to Sappi mill
- Within the boundary of two Municipalities (Vulamehlo and Mzumbe)
- And the end of P254/1

Proof of such placements is shown in **appendix E** of the final basic assessment report.

d) DISTRIBUTION OF FLYERS TO SURROUNDING LAND OWNERS/ OCCUPIERS

Notification letters (Background Information Document) were posted to stakeholders on the 04 December 2014. In addition, flyers were hand delivered to landowners/occupiers of the surrounding/adjacent areas on the 13 January 2015. These notifications informed the public of the project as well as affording them an opportunity to register as I&APs and also to comment or raise any issue that they might have. The I&APs were given a 40 day calendar period to respond.

e) MUNICIPALITY IN WHICH THE SITE IS SITUATED AND OTHER GOVERNMENTAL AUTHORITIES

The development falls under Mzumbe Local Municipality and Vulamehlo Local Municipality within the Ugu District Municipality KwaZulu-Natal. Notification and request for comments were sent to the Municipalities and other Stakeholders; no comments from the three Municipalities have been received, however they will be given a chance again to comment of the Draft Basic Assessment Report.

A total of six (6) written submissions were received during the initial public participation process from the following Stakeholders:

- Department of Agriculture, Forestry & Fisheries
- Department of Agriculture & Rural Development
- KwaZulu-Natal Department of Transport
- Department of Co-operative Governance and Traditional Affairs
- Amafa/Heritage KwaZulu Natal
- Department of Water and Sanitation

And a total of seven (7) written submissions were received during the circulation of the draft basic assessment report from the following Stakeholders:

- Department of Agriculture, Forestry & Fisheries
- Department of Agriculture & Rural Development
- Department of Co-operative Governance and Traditional Affairs
- Department of Water and Sanitation
- Ezemvelo KZN Wildlife
- Department of Agriculture, Forestry & Fisheries – Directorate: Land Use and Soil Management
- Mr Kevin Cole (Farmer).
- Glen Sutton (I&AP).

A copy of all written submissions is provided in Appendix E of the final Basic Assessment Report.

f) **PLACEMENT OF ADVERTISEMENT ON NEWSPAPERS**

An advertisement was placed on The South Coast Herald newspaper on the 23 January 2015. The local newspaper is published in English and the Zulu advert on Isolezwe on the 27th January 2015. The advertisement was aimed to further inform the I&APs of the proposed activity and to invite them to participate in the process. Proof has been attached on Appendix E

g) **PUBLIC MEETINGS**

No public meeting has been held at this time as there has been minimal response to the documentation issued so far. However, should there be a call for such a meeting the necessary arrangements will be made.

4. Circulation of the draft Basic Assessment Report




The Draft Basic Assessment Report (DBAR) which included a site specific draft Environmental Management Programme, Comments and Responses Report and other supporting documentation has been circulated to Key Stakeholders, Government Departments and registered Interested and Affected Parties from the 30 October 2015 to the 19 January 2016. A hard copy of the draft Basic Assessment Report has been made available for public review at KwaDumisa Skills Development Centre and at Nogoduka Community Hall.

5. Circulation of the final Basic Assessment Report

The additional information which was made to the final BAR has been circulated to Key Stakeholders from the 30 August 2016 to the 30 September 2016. An electronic copy of the final BAR can be accessed at the following Afzelia Environmental Consultants website: www.afzelia.co.za.

4 ISSUES AND RESPONSES TRAIL

Method of response

 = Letter/Fax  = E-mail  = Public meeting

NO.	ISSUE	NAME	METHOD & DATE	COMMENT	RESPONSE
COMMENTS RECEIVED DURING CIRCULATION OF THE BACKGROUND INFORMATION DOCUMENT					
1.1	Impact on indigenous vegetation and protected trees.	Ms K.Moodley <i>Department of Agriculture, Forestry & Fisheries</i>	☐ 09 /01/2015	<p>The Department of Agriculture, Forestry and Fisheries (DAFF) appreciates the opportunity given to review and comment on the Background Information Document (BID) for the above mentioned project.</p> <p>According to the document received on the 28/12/2014, the information regarding natural forests and/or protected trees is insufficient therefore, the Department requests that a vegetation specialist report be compiled and included in the Draft Basic Assessment Report (DBAR) to determine the species and extent of indigenous trees and/or protected trees that will be affected in terms of Natural Forest Act, 1998 (Act 84 of 1998) as amended. Detailed comments will then be provided upon receipt and further review of the DBAR.</p> <p>This letter does not exempt you from considering other environmental legislation. Should any further information be required, please do not hesitate to contact this office.</p>	A vegetation assessment study has been conducted for the proposed site and a list of indigenous trees has been included into the EMPr for the rehabilitation phase.
1.2	General environmental issues during construction phase	Nomhlanhla Myeni <i>Department of Agriculture & Rural Development</i>	☐ 21/01/2015	<p>RECOMMENDATIONS</p> <ul style="list-style-type: none"> • It is recommended that excavated furrows need to be back-filled and levelled properly in order to alleviate soil erosion. • Vegetation clearing must be kept at a minimum during site preparation and re-vegetation of disturbed areas during construction is highly recommended. 	<p>This will be adhered to.</p> <p>Stringent EMPr requirements have been placed to minimise disturbance as much as possible. In addition, recommendations on re-vegetation will be placed in the EMPr. The ethos of progressive rehabilitation must be achieved.</p>

NO.	ISSUE	NAME	METHOD & DATE	COMMENT	RESPONSE
				<p>CONCLUDING STATEMENT</p> <p>Please be advised that the Provincial Department of Agriculture and Rural Development: Land Use Regulatory Component has no objection to the activity in principle however awaits further documentation before concluding comments on the proposed project.</p>	The copy of the DBAR will be submitted to your Department for further comments on the project.
1.3	General comment on the application	<p>Roy Ryan</p> <p><i>Department of Transport KZN</i></p>	<p>□ 29/01/2015</p>	<p>With reference to your application dated 27 November 2014, in connection with the abovementioned proposed UPGRADE application, I have to inform you that the Minister as the Controlling Authority as defined in the KwaZulu-Natal Roads Act No. 4 of 2001, has in terms of section 21 of the said Act, no objections to the proposed application as represented in the Background Information Document.</p> <p>This correspondence does not grant authorisation or exemption from compliance with any other relevant and applicable legislation.</p>	Noted
1.4	Impacts on heritage resource in terms of KZN Heritage Act no. 4 (2008) and the National Heritage Resources Act No 25 of 1999	<p>Bernadet Pawandiwa</p> <p><i>Amafa/Heritage KwaZulu Natal</i></p>	<p>□ 15/04/2015</p>	<p>We acknowledge receipt of your invitation for comment with regards to the proposed development. In terms of the National Heritage Resources Act, no 25 of 1999, heritage resources, including archaeological sites over 100 years old and/ or paleontological sites, Traditional Burial places, graves of victims of conflict, informal graves, graves older than 60 years, battlefields, places to which oral history is attached, living heritage sites, structures older than 60 years, cultural and natural landscapes are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that before such sites are disturbed by development it is incumbent on the developer to ensure that a Heritage Impact Assessment is done.</p> <p>According to the Paleo-sensitivity Map, the development falls in an area of low fossil sensitivity and does not require a paleontological survey. The general area of proposed development is associated with the stone age, iron Age and historical resources and activities.</p> <p>We however note that the development is due to take place in a disturbed environment and is an upgrade of an existing road and is therefore not likely to impact on heritage resources. The developer's attention is drawn to the possibility of encountering heritage resources</p>	Should any heritage object being identified during earthmoving activities; all construction activities must cease and AMAFA must be contacted. This has been made as one of the EAP recommendations for the Environmental Authorisation.

NO.	ISSUE	NAME	METHOD & DATE	COMMENT	RESPONSE
				<p>around the development area. You are requested to record any such findings and send co-ordinates and images to Amafa. Development including access roads and stock pile areas should be restricted within the existing servitude to avoid inadvertent damage or disturbance to heritage resources. <u>Amafa, the KwaZulu Natal Heritage Authority has no objection to the development.</u></p> <p>You are also required to adhere to the below-mentioned standard conditions:</p> <ol style="list-style-type: none"> 1. Amafa should be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice. 2. No structures older than sixty years or parts thereof are allowed to be demolished altered or extended without a permit from Amafa. 3. No activities are allowed within 50m of a site, which contains rock art. 4. Sources of all natural materials (including topsoil, sands, natural gravels, crushed stone, asphalt, etc.) must be obtained in a sustainable manner and in compliance with the heritage legislation. 	<p>These AMAFA standard conditions and mitigation measures are included in the EMPr and FBAR.</p>
1.5	Water use management and other environmental issues	<p>Ms RJ Madiba</p> <p><i>Department of Water and Sanitation</i></p>	<p>09/01/2015</p>	<p>This Department would like the following to be addressed in the Basic Assessment Report with regard to the proposed project.</p> <ol style="list-style-type: none"> 1. Management of solid waste and hazardous waste material generated during the construction phase. This should include the storage of any material, chemicals, fuels, etc. 2. Identification of any environmental sensitive areas and water resources such as wetlands, streams. Rivers, etc, as well as possible pollution impacts and proposed mitigation measures to protect such water resources. 3. Stormwater management onsite both during and after the construction. 	<p>Measures have been put in place in the EMPr with regard to contractor's laydown camp, storage facilities. Construction workers must be provided with chemical toilets both on site and in the construction camp.</p> <p>All environmental sensitive areas have been identified in the FBAR report. Spill contingency plans have been included in the EMPr.</p> <p>All issues raised in point 3, 4, 6, 7 and 8 have been addressed adequately in the comprehensive EMPr attached.</p>

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				<p>4. Type of toilets facilities to be provided for construction workers.</p> <p>5. Information regarding the 1:50 and 1:100 year floodlines of any watercourse on a clear legible.</p> <p>6. Erosion measures.</p> <p>7. Spill contingency plan for the construction phase of the project.</p> <p>8. Sewage and Wastewater Management during the construction phase.</p> <p>9. It is mentioned that the proposed activity falls within 500m radius from the boundary of the wetland, therefore, the applicant must apply for a water use license for Section 21 (i) and (i) water uses of National Water Act, 1998 (Act No.36 of 1998) (NWA). Your attention is drawn to Government Notice No.1199 dated 18 December 2009 in Government Gazette No.632805 which states that a General Authorization (GA) is not applicable “to developments within a 500m radius from the boundary of a wetland or sewerage pipeline, pipelines carrying hazardous material and to water and wastewater treatment works’.</p> <p>10. Wetland Delineation Study and a Functional Assessment must be carried out for all wetlands occurring onsite in close proximity to the site (refer to point 9).</p> <p>11. Environmental Management Plan (EMP).</p> <p>12. Department of Agriculture, Forestry and Fisheries must be contacted with regard to the Coastal Forest.</p>	<p>A map will be produced clearly demarcating the causeway and culverts, 1:100 year floodline and watercourses and riparian areas.</p> <p>Section 21(c) and (i) water uses application has been submitted to DWS.</p> <p>A wetland delineation and functional assessment study has been conducted for the proposed site. Certain sections of the proposed Road P254/1 upgrade are situated within a 500m radius from the boundary of the channelled valley bottom wetland and the hillslope seepage wetland.</p> <p>The EMP is attached in Appendix F referring to point 11.</p> <p>DAFF is registered I&AP for this project. All correspondence regarding the project will be submitted to DAFF for comment.</p>

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				<p>13. It is mentioned that the Ifafa River and ka Magwaza and more than twenty other watercourses will be crossed during the road upgrade. Please note that an authorization in terms of Section 21 (C) and (i) of the NWA must be obtained from this Department.</p> <p>14. Please note that for all Section 21 (i) water uses; the application must delineate the watercourses and riparian habitat using the Departmental guideline, “a <i>practical field procedure for identification and delineation of wetlands and riparian areas</i>”. The applicant will require an authorization from the Department for any activity within the riparian habitat or 1:100 year floodline, whichever is the greatest distance.</p> <p>15. It is responsibility of the applicant to identify all water uses, arising from the proposed project, in terms of Section 21 of the National Water Act, 1998 (Act No 36 of 1998). These water uses are listed in the Table 1 below.</p> <p>Table 1: water uses requiring authorization.</p> <table border="1" data-bbox="1014 839 1585 1362"> <tbody> <tr> <td>S21(a)</td> <td>Taking water from a water resource</td> </tr> <tr> <td>S21(b)</td> <td>Storing water</td> </tr> <tr> <td>S21(c)</td> <td>Impending or diverting the flow of water in a watercourse</td> </tr> <tr> <td>S21(d)</td> <td>Engaging in a stream flow reduction activity (currently only commercial afforestation);</td> </tr> <tr> <td>S21(e)</td> <td>Engaging in a controlled activity-activities which impact detrimentally on a water resource (activities identified in terms of s37(1) namely <ul style="list-style-type: none"> ➤ Irrigation of any land with waste or water containing waste which is generated through an industrial activity or water work. </td> </tr> </tbody> </table>	S21(a)	Taking water from a water resource	S21(b)	Storing water	S21(c)	Impending or diverting the flow of water in a watercourse	S21(d)	Engaging in a stream flow reduction activity (currently only commercial afforestation);	S21(e)	Engaging in a controlled activity-activities which impact detrimentally on a water resource (activities identified in terms of s37(1) namely <ul style="list-style-type: none"> ➤ Irrigation of any land with waste or water containing waste which is generated through an industrial activity or water work. 	<p>Section 21(c) and (i) water uses application has been submitted to DWS.</p> <p>A wetland delineation and functional assessment study has been conducted for the proposed site.</p> <p>Section 21 (a), (c) and (i) water uses application has been submitted to DWS.</p>
S21(a)	Taking water from a water resource														
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					<ul style="list-style-type: none"> ➤ An activity aimed at the modification of atmospheric precipitation; ➤ A power generation activity which alters the flow regime of a water resource; or ➤ Intentional recharge of an aquifer with any waste or water contain waste 	A pre-application meeting was held on 13/02/2015.
				S21(f)	Discharging waste or water containing waste into a water resource through a pipe canal sewer, sea outfall or other conduit.	
				S21(g)	Disposing of waste or water containing waste in a manner which may detrimentally impact on a water resource.	
				S21(h)	Disposing in any manner of water which contains waste from, or has been heated, in any industrial or power generation process;	
				S21(i)	Altering the bed, banks, course or characteristics of a watercourse;	
				S21(j)	Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation if an activity or for the safety of people; and	
				S21(k)	Using water for recreational purposes	
				<p>16. A pre-Water Use License Application meeting is recommended during which administration and type of authorization will be discussed. Please contact Z Hadebe (Licensing Administrator) on 031 336 2900/2767.</p> <p>17. The onus is on the Applicant to submit a complete water use license application to this Department for water uses under Section 21 of the NWA that will be exercised in time to avoid unnecessary delays.</p>		

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				<p>This Office awaits a copy of the Basic Assessment Report in order to provide further comments.</p> <p>This reply does not grant any exemption from the requirements of any applicable Act, Ordinance, and Regulation of Bylaw.</p>	A copy of the draft Basic Assessment has been made available to DWS for further comments.
1.6	General comment on application.	Ms Dheevashnee Pillay KZN-COGTA	09/01/2015	As a Town Planner for KZNCOGTA, the Ugu is my allocated area to oversee planning and it is my best interest to be aware of all development.	A copy of the draft Basic Assessment will be made available to your Department for further comments.
COMMENTS RECEIVED DURING CIRCULATION OF THE DRAFT BASIC ASSESSMENT REPORT					
2.1	Water use management and other environmental issues	Ms RJ Madiba <i>Department of Water and Sanitation</i>	26/11/2015	<p>(1) Water Use Authorisations and Water Resources</p> <p>(1.1) It is noted that the Department of Transport proposes to upgrade the existing Provincial Road P254/1 which will include a road alignment, blacktopping and formalising stormwater control within Vulamehlo and Umzambe Local Municipalities.</p> <p>(1.2) Page 5 of the Report states that the proposed road upgrade will cross the Ifafa River and other channels and streams. The applicant must note that the temporary and permanent stream diversion constitutes a Section 21 (c) and Section 21 (i) water uses, i.e. “<i>impending or diverting the flow of water in a watercourse</i>” and “<i>altering the bed, banks, course or characteristics of a watercourse</i>” respectively and must be authorised under the provisions of the National Water Act, 1998 (Act No. 36 of 1998) (NWA). The river, stream and associated tributaries must be treated as sensitive environment areas. Caution must be exercised when developing near any watercourse.</p> <p>(1.3) It is noted that the proposed road upgrade will include construction of crossings or low level causeway using portal culverts. The Applicant must note that river crossing structures such as bridges and causeways constitutes Section 21 (c) and Section 21(i) water uses and must be authorised under the provisions of the NWA.</p> <p>(1.4) Page 6 of the Report states that the proposed road upgrade project identified thirteen (13) wetlands within a 500m buffer surrounding the existing P254/1 road. Please note that any</p>	<p>Noted</p> <p>Section 21(c) and (i) water uses application has been submitted to DWS for the proposed project.</p> <p>All measures to minimise or avoid potential impacts to sensitive environment areas have been addressed adequately in the FBAR and comprehensive EMP attached in Appendix F.</p> <p>See above responses</p> <p>See above responses</p>

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				<p>activity within a 500m radius from the boundary of a wetland requires a water use license in terms of Section 21 (c) an (i) of the NWA. Your attention is drawn to Government Notice General Authorisation (GA) is not applicable <i>“to developments within a 500m radius from the boundary of a wetland or sewerage pipeline, pipelines carrying hazardous material and to water and wastewater treatment works’.</i></p> <p>(1.5) It is noted that wetlands delineations were conducted in accordance as per the procedures described in “A Practical Field Procedure for Identification and Delineation of Wetland and Riparian Areas – Edition 1’ (Department of Water Affairs, 2005). The recommendations made in Wetland Assessment and Rehabilitation Plan for the proposed P254/1 Road Upgrade, Vulamehlo and Umzumbe Local Municipalities, KwaZulu Natal attached as Appendix D2 dated July 2015 are noted. This Report must accompany the Water Use Licence Application (WULA)</p> <p>(1.6) Page 20 of the Report states that water will be abstracted from a water resource for use during the proposed project. The Applicant must note that abstracting water from a water resource triggers a water use in terms of Section 21 (a) of the NWA and must be authorised as such.</p> <p>(1.7) It is the responsibility of the Applicant to identify all water uses applicable to the proposed road upgrade in terms of Section 21 of the NWA and to ensure that all applicable water uses are authorised as such. Refer to page 15 of this Department’s letter dated 09/01/2015 attached as Appendix E7. The Applicant must consult with this Department if clarity is required with regard to water uses and water use authorisations.</p> <p>(1.8) Please note that no person may use water unless permitted under the NWA. Should you engage in any water use and are guilty of an offence and liable for a fine or imprisonment as stipulated in Section 151 of the NWA.</p> <p>(1.9) If the proposed development engages or proposes to engage in one or more water uses that require a water use licence in terms of the NWA, then by default all other water use activities taking place on that property, irrespective if it would be regulated by a</p>	<p>Noted</p> <p>Section 21 (a) of the NWA application has been submitted to DWS for the proposed project.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>

NO.	ISSUE	NAME	METHOD & DATE	COMMENT	RESPONSE
				<p>General Authorisation would require a water use licence. This is part of the integrated water use licencing process.</p> <p>(1.10) A pre-Water Use Licence Application meeting is recommended during which technical and administration requirements as well as the type of authorisation required will be discussed. Please contact Ms Coleen Moonsamy of the Water Use Authorisation Unit on 031 336 2836/2700 in this regard.</p> <p>(2. Solid Waste Management</p> <p>(2.1) Page 18 of the Report states that waste will be collected and be disposed of by a certified waste contractor on receipt of written municipal permission. The Applicant must make sure that safe disposal certificates are kept on record.</p> <p>(2.2) Should private contractors be used, all solid waste must be disposed of at a licenced/permitted landfill site, and proof of this must be made available to this Department when required.</p> <p>(2.3) Such waste must be placed in skips stored in a designated storage/collection area prior to being safely disposed of and must not cause any surface and groundwater pollution or pose any health hazards.</p> <p>(2.4) Recommendations made on page 18 of the Report regarding the re-milling of the road surface for reuse as opposed to disposal to a landfill site are supported. The recycling of suitable material is encouraged by the Department, provided it is properly managed and complies with legislative requirements.</p> <p>(2.5) All contaminated material and hazardous waste material must be disposed of at a licenced/permitted landfill site. The only two (2) low hazardous landfill sites in the KwaZulu-Natal Province are the Shongweni and KwaDukuza Landfill Sites.</p> <p>(3. Sewage and Wastewater Management</p> <p>(3.1) Washing, refuelling, maintaining of vehicles or the transfer of hazardous substances must be conducted within a bunded area. All drainage arising from the bunded area must be treated as a water containing waste and disposed of safely.</p>	<p>A pre-application meeting was held on 13/02/2015.</p> <p>All issues on solid waste management have been addressed adequately in the FBAR and comprehensive EMPr attached in Appendix F. All these conditions will be adhered to.</p> <p>All issues on sewage and wastewater management have been addressed adequately in the FBAR and comprehensive EMPr attached in Appendix F. All these conditions will be adhered to.</p>

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				<p>(3.2) The Report indicates that temporary chemical toilets will be provided for the proposed project. The use of temporary, chemical toilet facilities must not cause any pollution to water sources as well as pose a health hazard. In addition, these toilets must be situated out of the 1:100 year floodline of the river.</p> <p>(3.3) The following is applicable should small volumes of waste water be generated during the construction phase:</p> <ul style="list-style-type: none"> • Water containing waste must not be discharged into natural environment. • Measures to contain the water containing waste and safely dispose of it must be implemented. <p>(4) Stormwater Management</p> <p>(4.1) It is imperative that there is proper management of storm water along the project route. A stormwater management plan must therefore be drawn up and adhered to. Furthermore, the Wetland Delineation and Functional assessment has indicated that failure to address the issue of stormwater management in the larger catchment area may lead to the destruction of the majority of the wetland system.</p> <p>(4.2) The Engineer or Contractor must ensure that only clean stormwater runoff enters the environment.</p> <p>(4.3) Drainage must be controlled to ensure that runoff from the project areas does not culminate in off-site pollution, flooding or result in any damage to properties downstream of any storm water discharge point.</p> <p>(5) Erosion Control</p> <p>(5.1) Erosion control measures must be put in place to prevent erosion along the proposed development route. Extra precautions must be taken in areas where the soils are deemed highly erodible.</p> <p>(5.2) Erosion control measures must be implemented in areas prone to erosion such as near water supply points, edges of slopes, etc.</p>	<p>A stormwater management plan has been compiled to provide adequate drainage and reduce erosion potential which will be further supplemented with the use of Sustainable Urban Drainage Systems (SUDS) to improve the status quo.</p> <p>All these conditions will be adhered to.</p> <p>All issues on erosion control have been addressed adequately in the FBAR and comprehensive EMPr attached in Appendix F.</p>

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				<p>These measures could include the use of sand bags, retention or replacement of vegetation.</p> <p>(6) Incident Management</p> <p>(6.1) It is important that all significant spillages of chemicals, fuels, etc, during the construction phase are reported to this Department and other relevant authorities. In the event of a spill, the following steps must be taken:</p> <ul style="list-style-type: none"> • Stop the source of the spill • Contain the spill • All significant spills must be reported to the Department and other relevant authorities; • Remove the spilled product for treatment or authorised disposal; • Determine if there is any soil, groundwater or other environmental impact; • If necessary, remedial action must be taken in consultation with this Department, Tourism and Environmental Affairs and • Incident must be documented. <p>(7) General</p> <p>(7.1) No form of secondary pollution should arise from the disposal of sewage and refuse. The contractor must be clearly briefed on the method of disposal of such waste and compliance must be ensured/monitored. Any pollution problems arising from the above project is to be addressed immediately by the Applicant.</p> <p>(7.2) There must be no unacceptable impact on the quality of both surface and groundwater in the area. If pollution of any surface or groundwater occurs, it must be immediately reported to this Department and the appropriate mitigation measures must be employed.</p>	<p>An emergency spill response procedures contained in the EMPr attached in Appendix F has been developed to deal with the containment and clean-up of hazardous spills.</p> <p>All these conditions will be adhered to.</p> <p>All general environmental management aspects during construction phase have been addressed adequately in the FBAR and comprehensive EMPr attached in Appendix F.</p> <p>See above responses</p>

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				<p>(7.3) The responsibilities and conditions in the Draft Environmental Management Program for the proposed P254/1 Road Upgrade, Vulamehlo and Umzumbe Local Municipalities, KwaZulu Natal attached as Appendix F are noted. Compliance to the final approved EMPr must be audited regularly by the designated Environmental Control Officer (ECO).</p> <p>(7.4) Recommendations as made by the Environmental Assessment Practitioner on pages 62, 63, 64 and 65 of the Report are supported.</p> <p>(7.5) This Department enquires why a Geotechnical Investigation has not been conducted. This will need to be undertaken as part of the Specialist Studies required.</p> <p>(7.6) Notwithstanding the above, the responsibility rests with the Applicant to identify all sources or potential sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act, 1998 (Act No 36 of 1998) could lead to legal action being instituted against the Applicant.</p> <p>This reply does not grant any exemption from the requirements of any applicable Act, Ordinance, Regulation or Bylaw.</p>	<p>Noted.</p> <p>Noted</p> <p>The Project Manager (Samani Consulting) has been informed accordingly for the need of geotechnical investigation to be undertaken for the project.</p> <p>Noted. All measures to minimise or avoid potential sources of pollution to sensitive environment areas have been addressed adequately in the FBAR and comprehensive EMPr attached in Appendix F.</p>
2.2	General environmental issues during construction phase.	<p>Thadebe Sthandiwe</p> <p><i>Department of Agriculture & Rural Development</i></p>	16/11/2015	<p>1. General The Provincial Department of Agriculture and Rural Development: Macro Planning acknowledges the receipt of the above mentioned application. The main objective of this application is to request comments and inputs on the proposed upgrade of the provincial road P254/1.</p> <p>2. BACKGROUND 2.1 Upgrading of P254/1 is by the Department of Transport. 2.2 The road runs through plantation forestry and some rural household settings. 2.3 The road upgrade is aimed at improving access by local community to social facilities.</p>	Noted

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				<p>2.4 The proposed upgrade will cover approximately 28 kilometers in distance with width of 8.5 meters.</p> <p>3. COMMENTS ON LAND DEVELOPMENT PROPOSAL</p> <p>3.1 There are no known major agricultural activities that are likely to be affected by this development as the road is an existing route.</p> <p>3.2 Within the said distance there are some wetlands and two rivers namely Magwaza and Fafa.</p> <p>3.3 Therefore, it is recommended that oil spillages be avoided on natural agricultural resources.</p> <p>3.4 Natural grassland and forest plantation are likely to be affected by the proposed development.</p> <p>3.5 Removal of grass and plants will result in slighter change of surrounding natural vegetation composition.</p> <p>3.6 Loss of natural vegetation of the area can even lead to increased risks of encroachment of invasive alien species.</p> <p>3.7 It is proposed that the exposed soils be rehabilitated back as soon as possible after construction to limit risk of soil erosion.</p> <p>3.8 It is recommended that vegetation clearing be kept at minimum during site preparation and re-vegetation of disturbed areas after construction.</p>	<p>Stringent EMPr requirements have been placed to minimise disturbance as much as possible. A spill contingency plan and a rehabilitation plan has been included in the EMPr. In addition, recommendations on re-vegetation are in the EMPr.</p>
2.3	Impact on indigenous vegetation, riparian areas and protected trees.	<p>Karen Moodley</p> <p><i>Department of Agriculture, Forestry & Fisheries</i></p>	08/12/2015	<p>With reference to the document received on the 02/11/2015 and the e-mail correspondence dated 01/12/2015, the proposed site consists of predominately of alien invasive plant species (<i>Eucalyptus grandis</i>) with the occurrence of scattered indigenous tree species (<i>Albizia adianthifolia</i>, <i>Brachylaena discolor</i>, <i>Cussonia spicata</i>, <i>Ficus sur</i>). Furthermore, that has been one protected tree species (<i>Pordocarpus latifolius</i>) identified within the project footprint. DAFF has no objection towards the proposed road upgrade provided the following conditions are strictly adhered to:</p> <ul style="list-style-type: none"> • The working servitude should be kept to a minimum and not exceed a width of nine metres. • Mitigation measures outlined in the DBAR should be strictly enforced by the Environment Control Officer (ECO) during all phases of construction. 	<p>Noted</p> <p>All these conditions will be adhered to. A vegetation assessment study has been conducted for the proposed site and a list of indigenous trees has been included into the EMPr for the rehabilitation phase.</p>

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				<ul style="list-style-type: none"> Licence applications for the disturbance of indigenous and/or protected trees must be submitted to DAFF offices in Pietermaritzburg for review prior the commencement of construction. If the indigenous and/or protected tree species cannot be translocated successfully then the indigenous trees removed during the construction must be replaced at a ratio of 1:5 and protected trees at a ratio of 1:10 as per page 43 of the DBAR. Furthermore, a list of indigenous and/or protected trees that will be disturbed must be submitted to DAFF prior the construction phase. 	<p>Plant permits must be obtained from relevant authorities prior to any construction commencing for all conservation-important species identified before being translocated.</p> <p>Indigenous trees removed during construction must be replaced at a ratio of 1:5 (5 trees must be planted for every 1 tree removed). Protected tree species removed must be replaced at a rate of 1:10, i.e. ten trees planted for every one tree removed.</p>
2.4	General comment on the application.	Dominic Wieners <i>Ezemvelo KZN Wildlife</i>	19/01/2016	<p>We are endeavouring to reduce our backlog, but are not in a position to make promises to give comment on individual projects.</p> <p>At this point in time, we would suggest that you submit the final basic assessment report without our comments, as we usually send comment directly to the Department and cc the EAP.</p>	Noted
2.5	General comment on the application.	Ms Dheevashnee Pillay <i>KZN-COGTA</i>	19/01/2016	Please note that the COGTA Spatial Planning Unit does not have any comments for the above mentioned project.	Noted
2.6	Impact on Agricultural land.	Robin Bacca <i>Department of Agriculture, Forestry & Fisheries – Directorate: Land Use and Soil Management</i>	27/11/2015	With reference to the above-mentioned application, this office would like to be also included in the list of interested and affected stakeholders, and that copy of the draft Basic Assessment report be furnished to our office. This office represents the Agriculture section of DAFF and have different mandates.	<p>Noted.</p> <p>A copy of the DBAR has been sent to Department of Agriculture, Forestry & Fisheries – Directorate: Land Use and Soil Management. Please see proof attached in Appendix E of public participation.</p>
2.7	General comment on the application.	Kevin Cole <i>Farmer</i>		As this road splits my property in half, and there is a river crossing as well I am extremely concerned as to what access I am going to have once the road has been upgraded.	The following response was made by the Project Manager (Samani Consulting): "The main reason for the upgrade is to provide access to all those that the road serves. To this end, all accesses will be formalised to tie into the road to be upgraded, provided it is not a danger to road users. If the access

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				<p>I would value any feedback as the Nontunja river is a major obstacle to us so unless we are allowed to use the tar road, a bridge of some sorts would be required.</p> <p>Can I get a copy of the report emailed to me.</p>	<p>is a danger to road users, we will in conjunction with the landowner move the access to an appropriate safe position.</p> <p>Any structures or bridges that are not in line with the Departmental standards for blacktopped roads, will be reconstructed to the correct standards.</p> <p>A copy of the DBAR was sent to Mr Kevin Cole.</p>